IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE

AND VARIANCE. E/S Oregon Ave.,

155 ft. S of Sulphur Spring Road * ZONING COMMISSIONER

5509 Oregon Avenue

13th Election District * OF BALTIMORE COUNTY

Case No. 96-383-XA

1st Councilmanic District

CODA Corporation

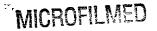
Legal Owner, c/o RC Theatres

Management Corp., Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Exception and Variance for the property located at 5509 Oregon Avenue Avenue in Arbutus. The Petitions are filed by CODA Corporation, property owner. Special Exception relief is requested to approve a movie theatre, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (BCZR); and an arcade, pursuant to Section 423.B of the BCZR. Moreover, pursuant to Section 423.C.4 of the BCZR, the Petitioner requests that the Zoning Commissioner specify the maximum number of amusement devices to As to the variances, relief is requested, be included in the arcade. pursuant to Section 409.6.A.1 of the BCZR, to permit 0 parking spaces in lieu of the required 186; from Section 413.2.D., to allow 3 marquee signs to extend the maximum of 10 ft. from the building face in lieu of the permitted 42 inches; and from Section 303.2 of the BCZR to allow a front yard setback of 12.5 ft. in lieu of the required front yard average of 21 ft. All of the requested relief is more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petitions for Special Exception and Variance.

Appearing at the public hearing held for this case were David Phillips and Scott R. Cohen, on behalf of the Petitioner. Also present was Juri Maiste, a professional land surveyor, who prepared the site plan. The Petitioner was represented by Robert A. Hoffman, Esquire. Appearing as



interested persons were Clemis A. Kaikis, Thomas Booth and Mike Kostinski, all nearby property owners.

Testimony offered by Mr. Phillips was that the CODA Corporation is a subsidiary of the RC Theatres Management Corporation. RC Theatres is a company in the business of building and operating movie theatres. The subject property was formerly the site of the Hollywood Theatre; an Arbutus landmark. The Hollywood Theatre existed at this location for many years. Unfortunately, on October 15, 1995, the theatre burned down and was a total loss after nearly 50 years in operation.

After the destruction of the theatre, Mr. Phillips testified that he was contacted by a number of residents of the community about rebuilding. Apparently, reconstruction is also supported by civic leaders and Baltimore County Government. In accordance with this request, the Petitioner proposes rebuilding the theatre at this site. The theatre building will be slightly larger than before and will be reconfigured. Whereas, prior to the fire, the theatre contained two screens and 500 seats, the new theatre will contain 4 screens and 742 seats. The theatre will occupy approximately 6,000 sq. ft. and 4,000 ft. will be for the retail/lobby/arcade area.

In this regard, the Petitioner's witnesses testified that previously the theatre featured four video games in the lobby. This number of games is permitted by right in that Section 101 of the BCZR defines an arcade as a business or establishment containing more than 4 pinball machines, video games or other similarly player operated amusement devices. Extensive testimony was offered about the need for these amusement devices and the operation of the theatre. Mr. Phillips indicated that in order for the theatre to compete with large multi-screen theatres, the amusement devices were necessary. They attract more patrons to the theatre and also provide additional entertainment to patrons before and after show times. Moreover,

the extra revenue generated by these devices is also needed by the Petitioner to ensure a financially solvent operation.

Mr. Kaikis, who formerly operated Paul's Restaurant immediately next door to the subject site, also testified. Unfortunately, his business was also destroyed in the fire, although he also intends to rebuild. He welcomes the reconstruction of the theatre, however, he experienced concerns about the arcade operation. He specifically testified that teenagers and young adults could be drawn to the arcade area and he fears a potential increase in crime and vandalism.

Also testifying was Mr. Kostinski. He owns a small carry-out/eat in restaurant down the street. He expressed support for the special exception and variances. Lastly, Thomas Booth, owner of the property at 5503 and 5505 Oregon Avenue also testified. Like the other witnesses and correspondence received, he welcomes reconstruction of this Arbutus landmark. He noted, however, that a number of small businesses operate on the properties which he owns, including a laundromat, a barber shop, a snowball stand and a vacuum cleaner repair facility. He fears that an unruly crowd drawn to the arcade could be detrimental to his tenants and their businesses.

Addressing first the Petition for Zoning Variance, I am persuaded that same should be granted. None of the witnesses present testified in opposition to the variance requests. To the contrary, the requests are supported by the witnesses who appeared and the surrounding members of the community. As to the parking variance, it was testified that although no on-site parking is provided, parking is not difficult in this area. Apparently, there is public parking nearby and street parking available. Moreover, the businesses in the locale have traditionally cooperated with one another to facilitate a shared parking arrangement. Notwithstanding the adverse

comment from the Development Plans Review Division, I am persuaded to grant the Petition for Variance as it relates to the parking regulations.

The variances relating to the marquee signs and the front yard set-backs should also be granted. In this regard, the proposed reconstruction of the building is styled for the purpose of recreating the original movie theatre building. Variances are necessary in this regard so that the building can be constructed substantially similar in appearance to that shown in Petitioner's Exhibit No. 2, the proposed front elevation drawing. This drawing has been reviewed and approved by the Design Review Committee in that same is located within a designated design review area. I am persuaded that the Petitioner has met the burden of proof set forth in Section 307 of the BCZR, as construed by the case law.

As to the Petition for Special Exception, I am also convinced that same should be granted. The long history of the use of this site is a particularly persuasive factor in considering this Petition. It is clear that the proposed use can be undertaken without detriment to the health, safety and general welfare of the locale. In this regard, I find that the Petitioner has satisfied the standards set forth in Section 502.1 of the BCZR. The historical use of this site as a theatre and the overwhelming public support for the project is particularly relevant.

My only reservation in granting the relief requested springs from the concerns expressed by Messrs Kaikis and Booth regarding the arcade operation. Both of these nearby property owners indicated that juvenile crime and vandalism in the area is an increasing and disturbing trend. These gentlemen express fears that an arcade within the movie theatre would provide another place for teenagers and young adults to congregate and provide a haven for trouble makers.

ONDER RECEIVED FOR FILING
Date
By

Although I share these concerns, the imposition of a restriction on the zoning relief is impractical to remedy this problem. Obviously, troublesome individuals on the subject property will most detrimentally affect the operators of the theatre. Individuals will not want to patronize this theatre if they fear for their safety and property. Thus, the Petitioner has a vested interest in ensuring that proper supervision of the arcade business is maintained. Moreover, requiring any type of level of supervision as part of the zoning relief is difficult to monitor. Zoning Inspectors cannot realistically be expected to monitor the operation of the theatre and arcade. These are matters that are best left to the property owner and the Baltimore County Police Department. In this regard, I will suggest only that the Petitioner contact the local precinct commander for suggestions and assistance should the need arise.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this _______ day of May, 1996 that, pursuant to the Petition for Special Exception, approval to allow a movie theatre, pursuant to Section 230.13, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that, pursuant to Section 423.B of the Baltimore County Zoning Regulations (BCZR) approval to allow an arcade be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that, pursuant to Section 423.C.4 of the BCZR, that the Petitioner may maintain up to 25 amusement devices at the subject location; and

IT IS FURTHER ORDERED that a variance from Section 409.6.A.1 of the BCZR, to permit 0 parking spaces in lieu of the required 186, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 413.2.D., to allow 3 marquee signs to extend the maximum of 10 ft. from the building face in lieu of the permitted 42 inches, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 303.2 of the BCZR to allow a front yard setback of 12.5 ft., in lieu of the required front yard average of 21 ft., be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

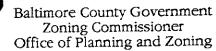
LAWRENCE E. SCHMIDT Zoning Commissioner for

Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING

MOROFILMED





Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

May 23, 1996

Robert Hoffman, Esquire Venable, Baetjer and Howard 210 Allegheny Avenue Towson, Maryland 21204

RE: Petitions for Special Exception and Variance
Case No. 96-383-XA
CODA Corporation c/o RC Theatres Management Corp. Petitioner

Property: 5509 Oregon Avenue

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted, with restriction, in accordance with attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:mmn

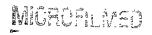
c: Mr. David Phillips, 8115 Scotts Level Road, 21208

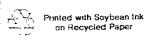
c: Mr. Scott R. Cohen, 231 W. Cherry Hill Court, 21136

c: Mr. Clemis A. Kaikis, 5507 Oregon Avenue, 21227

c: Mr. Thomas Booth, 623 Edmondson Avenue, 21228

c: Mr. Mike Kostinski, 5401 East Drive, 21227







Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 5509 Oregon Avenue

96-383-XA

which is presently zoned BL-CCC

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made part of hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a movie theatre pursuant to Section 230.13 and an arcade pursuant to Section 423.8 of the Baltimore County Zoning Regulations and, pursuant to Section 423.C.4 we request the Zoning Commissioner to specify the maximum number of amusement devices to be maintained in the arcade.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

				I/We do solemnly declare and affirm, under legal owner(s) of the property which is the sul	the penalties of pject of this Petit	perjury, that I/we are the ion.
Contract Purchaser/Lessee;				Legal Owner(s):		
(Type or Print Name)	·			CODA Corporation (Type or Print Name)		
Signature	·			Signature		
Address				By: David Phillips, Vice-President (Type or Print Name)		
City	State	Zipcode		Signature	in	
				c/o RC Theatres Management Corp 231 W. Cherry Hill Court P.O. Box 1056		526-4774
Attorney for Petitioner:				Address		Phone No
Robert A. Hoffman Venable, Baetjer and Howard, I	I P			Reisterstown City	MD State	21136 Zipcode
Type or Print Name)		<u> </u>		Name, Address and phone number of legal or to be contacted.		•
Signature				Robert A. Hoffman Venable, Baetjer and Howard, LLP Name	J	·
210 Allegheny Ave		(410) 494-6200		210 Allegheny Ave, Towson, MD 2	1204	(410) 494-6200
Address		Phone No		Address		Phone No.
Towson City	MD State	Zipcode		OFFICE US	E ONLY	
DOND D	E E	Joseph Admenistra	5-	ESTIMATED LENGTH OF HEARING unavailable for Hearing the following dates Next Two Months		· · · · · · · · · · · · · · · · · · ·
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Petition for Variance 380

to the Zoning Commissioner of Baltimore County

for the property located at 5509 Oregon Avenue

-383 —XA

which is presently zoned BL-CCC

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made part of hereof, hereby petition for a Variance from Section(s)

See Attached.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardships or practical difficulty)

To be determined at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

				I/We do solemnly declare and affirm, under legal owner(s) of the property which is the sul		
Contract Purchaser/Lessee:				Legal Owner(s):		
				CODA Corporation		
(Type or Print Name)			•	(Type or Print Name)		,,
Signature			-	Signature		
Address			-	By: David Phillips, Vice-President (Type or Print Name)	/}	
				Dan 2	Lel.	
City	State	Zipcode		Signature)	
				c/o RC Theatres Management Cor 231 W. Cherry Hill Court	poration	
				P.O. Box 1056		526-4774
Attorney for Petitioner:				Address	i	Phone No.
Robert A. Hoffman				Reisterstown	MD	21136
Venable, Baetjer and Howard	d, LLP			City	State	Zipcode
(Type or Print Name)			-	Name, Address and phone number of legal of to be contacted.	wner, contract po	urchaser or representati
1/1// 14/1/				Robert A. Hoffman	•	
Signature			-	Venable, Baetjer and Howard, LLP Name		
210 Allegheny Ave.		(410) 494-6200		210 Allegheny Ave, Towson, MD 2	1204	(410) 494-6200
Address		Phone No	-	Address		Phone No.
Towson	MD	21204	_	OFFICE US	SE ONLY	
City	State	Zipcode		ESTIMATED LENGTH OF HEARING		
DARA SEE		Spirit Administra	*-	unavailable for Hearing the following dates		
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VARIANCE REQUESTS 96-383-XA

- 1. Variance from §409.6.A.1 of the Baltimore County Zoning Regulations, to permit zero parking spaces in lieu of the required 186 parking spaces;
- 2. Variance from §413.2.D of the Baltimore County Zoning Regulations to allow three marquee signs to extend the maximum of 10 ft. from the building face in lieu of the permitted 42 inches;
- 3. Variance from §303.2 of the Baltimore County Zoning Regulations to allow a front yard setback of 12.5 ft. in lieu of the required front yard average of 21 ft.

380

SURVEYORS and ENGINEERS

2923 Chenoak Avenue Baltimore, Maryland 21234 (410) 882-0321 Fax (410) 661-8752

96-383-XA

DESCRIPTION OF PORTION OF 5509 OREGON AVENUE TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION FOR AN ARCADE AREA IN A MOVIE THEATER FIRST ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

Beginning for the same at a point located North 87 degrees 11 minutes 16 seconds East 19.50 feet from the East side of Oregon Avenue, which point on Oregon Avenue being distant 280.27 feet southerly from the South side of Sulphur Spring Road, thence leaving said point of beginning and running the four following courses and distances:

- 1. North 02 degrees 48 minutes 44 seconds West 25.50 feet
- 2. North 87 degrees 11 minutes 16 seconds East 23.00 feet
- 3. South 02 degrees 48 minutes 44 seconds East 25.5 feet and
- 4. South 89 degrees 40 minutes 30 seconds West 23.00 feet to the place of beginning.

Containing 587 square feet or 0.0135 acres of land.





380

SURVEYORS and ENGINEERS

2923 Chenoak Avenue Baltimore, Maryland 21234 (410) 882-0321 Fax (410) 661-8752

96-383-XA

DESCRIPTION OF 5509 OREGON AVENUE TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION FOR MOVIE THEATER AND RELATED VARIANCES TO B.C.Z.R., FIRST ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

Beginning for the same on the East side of Oregon Avenue, at a point distant 155 feet southerly from the South side of Sulphur Spring Road, thence leaving said point of beginning and running and binding on the East side of Oregon Avenue

- 1. Southerly by a line curving to the left with a radius of 1,146.39 feet for an arc length of 125.27 feet, thence leaving Oregon Avenue
- 2. North 87 degrees 11 minutes 16 seconds East 145.35 feet to the West side of the Herbert Run Viaduct, thence running and binding thereon, for the following six courses and distances:
 - 3. North 08 degrees 15 minutes 44 seconds West 9.42 feet
 - 4. South 74 degrees 04 minutes 28 seconds West 4.15 feet
 - 5. North 15 degrees 56 minutes 01 seconds West 20.00 feet
 - 6. North 74 degrees 04 minutes 28 seconds East 5.00 feet
 - 7. North 15 degrees 55 minutes 32 seconds West 86.00 feet and
- 8. Northerly by a line curving to the left with a radius of 174.27 feet for an arc length of 12.64 feet, thence leaving the West side of Herbert Run and running
- 9. South 87 degrees 11 minutes 16 seconds West 110.68 feet to the place of beginning.

Containing 16,193 square feet or 0.3717 acres of land.



District 13th CODA May 7, 1996 Measures ZONING DEPARTMENT OF BALTIMORE COUNTY CERTIFICATE OF POS. MG

96-383-XA

Number of Signer Posted by ____ Remarks: Location of Sime / FRIEN YOUR WAY OF PARSELY DELY TONG Petitioner: Location of property: 5509 Posted for: Standard . Treson areme Date of return: Date of Posting 4/19/96 MOROFILMED

NOTICE OF HEARING

The Zonling Gömthisstorer of Ballinoble County, by authortly of the Zonling Act and Regulations of Ballinoble County, by authortly of the Zonling Act and Regulations of Ballinoble County will hold a public hearing on the property identified herein in Room 106 of the County of the Building, 111 W. Chesapeake Avenue, in Towson, Maryland 21204 or Room 1.8, Old Counthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Casic: #98-383-XA ((leim 390) \$509 Dregon Avenue E% Oregon Avenue, 155'S of Sulphur Spring Road 13th Election District

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Legial Owner(s);
CDDA Corporation
Special Exception: for a
movie theatre and we request
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specify the maximum number
of amusement devices to be
minimized in the arcade. Varianies to permit zero parking
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their maximum of 10 feet from
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permitted 42 ingites, and to an
low a front yeard setback of
12.5 feet in lieu of the adjunct
front yard average of 21 feet.
Hearing: Tuesday, May 7,
1998 at 2:00 p.m. in Rm. 118,

Old Courthouse.

LAWRENCE E. SCHMIDT Zoning Commissioner for Ballingon County

NOTES: (1) Heatings are Handlosopet. Accessible; for special accommodations Please Call 887-385.
(2) For Information conterning the File and/or Hearing, Please Call 887-3391.

4/194 April 18 C45057

CERTIFICATE OF PUBLICATION

TOWSON, MD.,
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19.

weeks, the first publication appearing on ... in Towson, Baltimore County, Md., once in each of 1 published in THE JEFFERSONIAN, a weekly newspaper published THIS IS TO CERTIFY, that the annexed advertisement was successive

THE JEFFERSONIAN LEGAL AD. - TOWSON

THISTENSE

BALTIMORE WUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

ITEM #380 drop-off — no review DATE 4/3/96 ACCOUNT 001-6150 96-383-XA AMOUNT \$ 620.00 RECEIVED Venable, Baetjer & Howard FROM: #050 - SPECIAL EXCEPTION - \$300.00 #020 - VARIANCE - \$250.00 #080 - SIGN POSTING - \$35@ - \$70.00 5509 Oregon Avenue

VALIDATION OR SIGNATURE OF CASHIER DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

TO: PUTUXENT PUBLISHING COMPANY
April 18, 1996 Issue - Jeffersonian

Please foward billing to:

Barbara W. Ormord Venable, Baetjer & Howard LLP 210 Allegheny Avenue Towson, MD 21204 494-6201

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-383-XA (Item 380)
5509 Oregon Avenue
E/S Oregon Avenue, 155' S of Sulphur Spring Road
13th Election District - 1st Councilmanic
Legal Owner(s): CODA Corporation

Special Exception for a movie theatre and we request the zoning commissioner to specify the maximum number of amusement devices to be maintained in the arcade.

Variance to permit zero parking spaces in lieu of the required 186 parking spaces, to allow three marquee signs to extend the maximum of 10 feet from the building face in lieu of the permitted 42 inches, and to allow a front yard setback of 12.5 feet in lieu of the required front yard average of 21 feet.

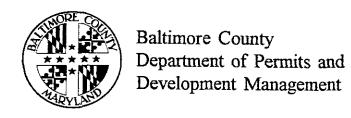
HEARING: TUESDAY, MAY 7, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.





Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

April 11, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-383-XA (Item 380)

5509 Oregon Avenue

E/S Oregon Avenue, 155' S of Sulphur Spring Road

13th Election District - 1st Councilmanic

Legal Owner(s): CODA Corporation

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HEARING: TUESDAY, MAY 7, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

Armold Jablon Director

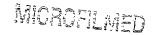
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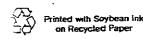
CODA Corporation

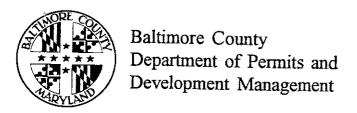
Robert A. Hoffman, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
- (3) FOR INFORMATION CONCERTING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.







Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

April 30, 1996

Robert A. Hoffman, Esquire Venable, Baetjer and Howard, LLP 210 Allegheny Avenue Towson, MD 21204

RE: Item No.: 380

Case No.: 96-383-XA

Petitioner: CODA Corporation

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 22, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.

Zoning Supervisor

WCR/jw
Attachment(s)

Baltimore County Government Fire Department



700 East Joppa Road Towson, MD 21286-5500 Office of the Fire Marshal (410) 887-4880

DATE: 04/16/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: CODA CORPORATION

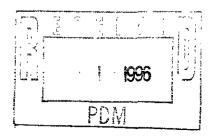
Location: E/S OREGON AVE. 155' S OF SULPHUR SPRING RD.(5509 OREGON AVE.)

Item No.: 380 Zoning Agenda: SPECIAL EXCEPTION

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

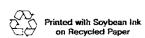
- 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.



REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: April 22, 1996

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief
Development Plans Review Division
Department of Permits & Development

Management

SUBJECT:

Zoning Advisory Committee Meeting

for April 22, 1996

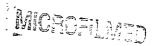
Item No. 380

The Development Plans Review Division has reviewed the subject zoning item. We strongly recommend against granting the requested parking variances unless available parking in the area can be shown.

Street trees and landscaping should be provided in the paved walk area along Oregon Avenue.

RWB:HJO:jrb

cc: File



BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO:

ZADM

DATE: 4-17-96

FROM:

DEPRM

Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 4-15-96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

382

LS:sp

LETTY2/DEPRM/TXTSBP

-દેકુ



David L. Winstead Secretary Hai Kassoff Administrator

Ms. Joyce Watson Baitimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

Baltimore County Item No. 380 (WCR) RE:

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

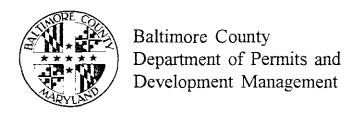
Please contact Bob Small at 410-323-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours, Bob Small

Ronald Burns, Chief Engineering Access Permits

BS/es



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

May 23, 1996

Robert A. Hoffman, Esquire Venable, Baetjer, & Howard 210 Allegheny Avenue Towson, MD 21204 RE: Preliminary Petition Review (Item #380)

5509 Oregon Avenue 13th Election District

Dear Mr. Hoffman:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements had been addressed. A subsequent review by the staff has revealed no incomplete filing information. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

Catherine A. Milton

Planner I

Zoning Review

CAM:scj

Enclosure (receipt)

c: Zoning Commissioner

MICROFILMED





Printed with Soybean Ink on Recycled Paper

*	*	*	*	*	*	*	*	*	*	*	*	*
	Petitic	ner										
CODA	Corpora	ation					*		CASE NO	96-	383-XA	
			_									
13th	Election	n Dis	trict,	1st C	ouncil	manic	×		OF BALT	IMORE	COUNTY	¥
155'	S of St	ılphur	Sprin	g Road								
5509	Oregon	Avenu	e, E/S	Orego	n Aven	ue,	*		ZONING	COMMI	SSIONE	3
	PETITIO	N FOR	VARIA	NCE								
RE:	PETITIO	N FOR	SPECI	AL EXC	EPTION		*		BEFORE	THE		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of May, 1996, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner.

PETER MAX ZIMMERMAN

lar Tinnerman

FASE SI

M5 14 1936 03:05 410-587:4310

TERRENCE & SHERIDAN Chief of Police



intendity

May 14, 1996

Headquarters 700 East Jopps Road Towson, Maryland 21286-5501

Baltimore County Police

(410) 887 2214 Fax (410) 821-8887

Mr. Thomas E. Booth 623 Edmondson Avenue Catonaville, Maryland 21228

Dear Mr. Booth:

This correspondence is a follow-up to our conversation on Friday, May 10, 1996 regarding the reopening of the Hollywood Theater in Arbutus.

The reopening is a wonderful event to look forward to. It will be a tremendous resource to the community for good family-oriented entertainment at an affordable price. I am in complete support of the overall project.

With the opening of the rebuilt theater rapidly approaching, I would like the opportunity to mest with you and other business persons and residents in the area, as well as the owners or representatives of the theater to address concerns from past experience about juvenile conduct around the theater. More specifically, it is my understanding that a video arcade is planned for inclusion in the new theater. This inclusion has the potential to further aggravate the juvenile problem surrounding the theater if it is not properly regulated and monitored.

Once again, I reiterate my complete support of the reopening, including the arcade; however, I would like to provide input to the final process so that the officers at Precinct One can effectively and efficiently provide service to the neighborhood that enhances the benefit of such a good project.

Please contact me as soon as possible to make the necessary arrangements.

Sincerely,

Major W. Thomas Levering Precinct One Commander

Baltimore County Police Department





BLE, BAETJER AND HOWARD, LLP uding professional corporations

210 Allegheny Avenue Post Office Box 5517 Towson, Maryland 21285-5517 (410) 494-6200, Fax (410) 821-0147 OFFICES IN

MARYLAND

WASHINGTON, D.C. VIRCINIA

4/1/96

Writer's Direct Number: 410-494-6201

March 29, 1996

Hand Delivery

Mr. Carl Richards Department of Permits & Development Management **County Courts Building** 111 W. Chesapeake Avenue Towson, Maryland 21204

> Re: Legal Property Owner: CODA Corporation

Property Location: 5509 Oregon Avenue, Arbutus

Petition for Special Exception and Variance

Dear Mr. Richards:

I am hereby drop filing the enclosed Petition for Special Exception and Variance with regard to the above captioned property. This request has previously been reviewed by Kate Milton. Also, pursuant to Zoning Enforcement, there are no outstanding zoning violations on site. Enclosed for submittal are the following documents:

- 1. Petition for Special Exception (3)
- 2. Petition for Zoning Variance(3)
- 3. Zoning description (3)
- 4. 200' scale zoning map (1)
- Site Plans (12) 5.
- Check in the amount of \$620.00 6.

If you have any questions, please give me a call.

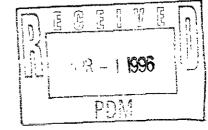
Sincerely,

Barbara W. Ormord

Legal Assistant

bw

cc: Robert A. Hoffman, Esquire TO1DOCS1/BAW01/0022255.01







Clemis A. KAikis	ADDRESS BAJFA.15507 OREGONAUS 21228 5401 EAST DA.
Mike & Kostinski	5401 EAST DA. 21227



PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Rob Hoffman	210 Aligher Dr. 21208 8115 Stotts GuelRd 21208 W) 2923 CHEKOOK AVE 21234 231 W. Cherry Hell Ct 21136
David Phillips	8115 Statt buelRd 21208
WEI MAISTE (MAISTER WASTS,)	W) 2923 CHEWOOK AVE -21234
Scott R. Cohen	231 W. Cherry Hill Ct 21136





76-383-XA

HALETHORPE IMPROVEMENT ASSOCIATION P.O. BOX 7306 HALETHORPE, MARYLAND 21227

April 30, 1996

Mr. Timothy Kotroco, Esq.
Baltimore County Zoning Commissioner
Room 112
400 Washington Avenue
Towson, Maryland 21204

Reference:

Hearing for Special Exception & Variances

Case #96-383XA

Dear Mr. Kotroco:

On behalf of a majority of the members of the Halethorpe Improvement Association, I am writing to request an approval by your office for a variance in the number of parking spaces required for the new Hollywood Theatre in Arbutus.

It appears that the number of seats (750) in the proposed facility is close to the total number that were in the original theater. Parking was not a problem. Furthermore, it is a fact that many area children are dropped off to the movies by the van full then picked up, after the show, resulting in a diminished need for additional parking spaces.

The Hollywood was an important part of the social fabric of the Arbutus/Halethorpe area for decades. The community needs this anchor in our "downtown" area. It is important that our community gets this chance to revitalize. Please don't let the parking requirement cloud over what is really important here - giving Arbutus and Halethorpe back the Hollywood Theatre that all the residents miss so dearly.

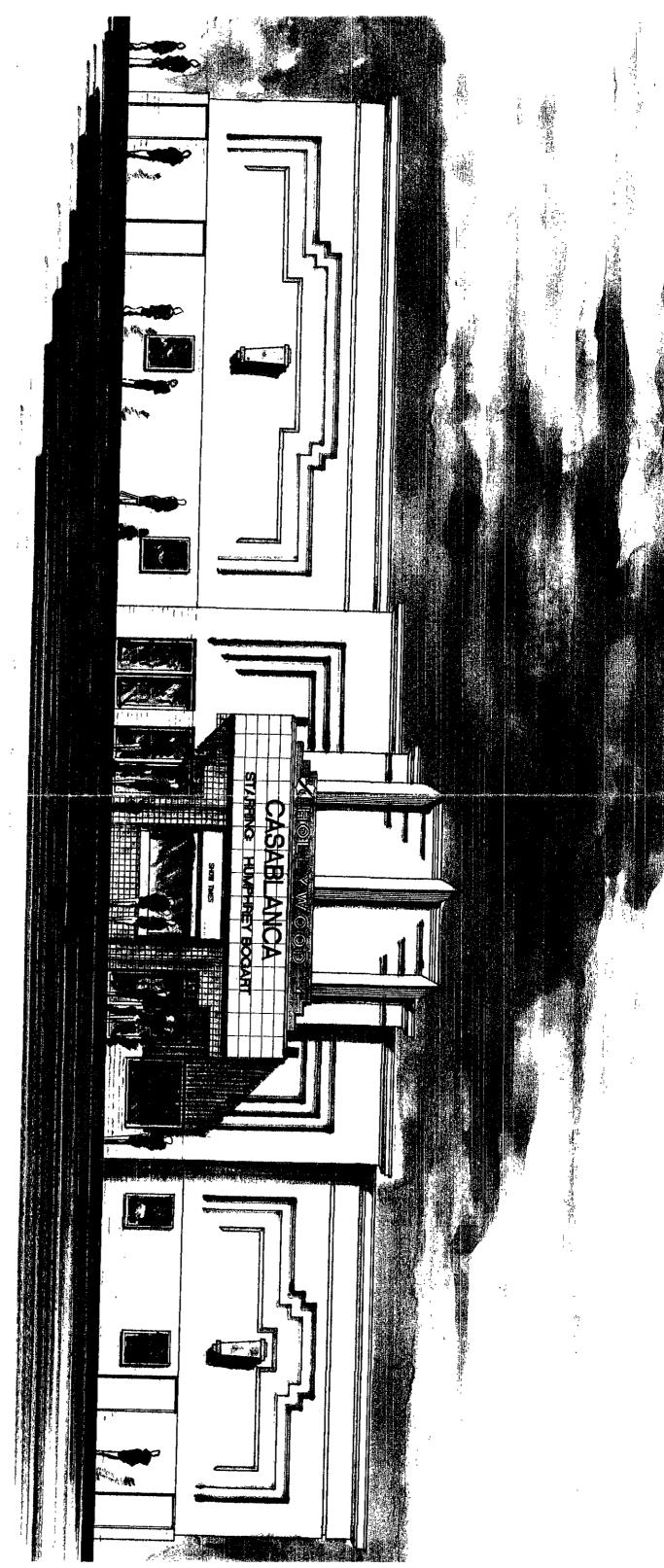
We thank you for your consideration in this matter.

Sincerely,

Toe Keech

Zoning Chairman, Halethorpe Improvement Association

cc: Greater Arbutus Community Alliance



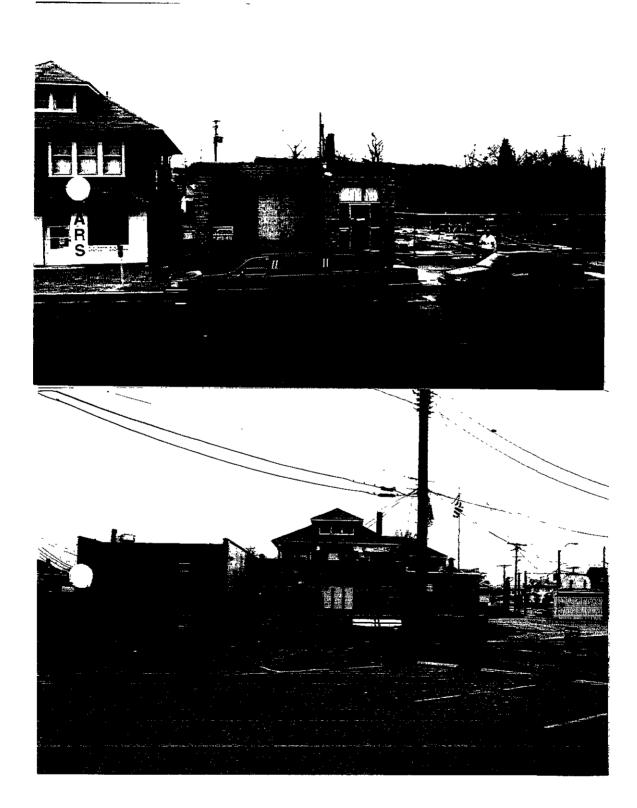
PROPOSED FRONT ELEVATION

Colon I

MICROFILMED







5509 Oregon Avenue

AND VARIANCE. E/S Oregon Ave.,

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE

155 ft. S of Sulphur Spring Road * ZONING COMMISSIONER * OF BALTIMORE COUNTY 13th Election District 1st Councilmanic District * Case No. 96-383-XA CODA Corporation Legal Owner, c/o RC Theatres Management Corp., Petitioner * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Exception and Variance for the property located at 5509 Oregon Avenue Avenue in Arbutus. The Petitions are filed by CODA Corporation, property owner. Special Exception relief is requested to approve a movie theatre, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (BCZR); and an arcade, pursuant to Section 423.B of the BCZR. Moreover, pursuant to Section 423.C.4 of the BCZR, the Petitioner requests that the Zoning Commissioner specify the maximum number of amusement devices to be included in the arcade. As to the variances, relief is requested, pursuant to Section 409.6.A.1 of the BCZR, to permit 0 parking spaces in lieu of the required 186; from Section 413.2.D., to allow 3 marquee signs to extend the maximum of 10 ft. from the building face in lieu of the permitted 42 inches; and from Section 303.2 of the BCZR to allow a front yard setback of 12.5 ft. in lieu of the required front yard average of 21 ft. All of the requested relief is more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petitions for Special Exception and Variance.

Appearing at the public hearing held for this case were David Phillips and Scott R. Cohen, on behalf of the Petitioner. Also present was Juri Maiste, a professional land surveyor, who prepared the site plan. Petitioner was represented by Robert A. Hoffman, Esquire. Appearing as interested persons were Clemis A. Kaikis, Thomas Booth and Mike Kostinski, all nearby property owners.

Testimony offered by Mr. Phillips was that the CODA Corporation is a subsidiary of the RC Theatres Management Corporation. RC Theatres is a company in the business of building and operating movie theatres. The subject property was formerly the site of the Hollywood Theatre; an Arbutus landmark. The Hollywood Theatre existed at this location for many years. Unfortunately, on October 15, 1995, the theatre burned down and was a total loss after nearly 50 years in operation.

After the destruction of the theatre, Mr. Phillips testified that he was contacted by a number of residents of the community about rebuilding. Apparently, reconstruction is also supported by civic leaders and Baltimore County Government. In accordance with this request, the Petitioner proposes rebuilding the theatre at this site. The theatre building will be slightly larger than before and will be reconfigured. Whereas, prior to the fire, the theatre contained two screens and 500 seats, the new theatre will contain 4 screens and 742 seats. The theatre will occupy approximately 6,000 sq. ft. and 4,000 ft. will be for the retail/lobby/arcade area.

In this regard, the Petitioner's witnesses testified that previously the theatre featured four video games in the lobby. This number of games is permitted by right in that Section 101 of the BCZR defines an arcade as a business or establishment containing more than 4 pinball machines, video games or other similarly player operated amusement devices. Extensive testimony was offered about the need for these amusement devices and the operation of the theatre. Mr. Phillips indicated that in order for the theatre to compete with large multi-screen theatres, the amusement devices were necessary. They attract more patrons to the theatre and also provide additional entertainment to patrons before and after show times. Moreover,

the extra revenue generated by these devices is also needed by the Petitioner to ensure a financially solvent operation.

Mr. Kaikis, who formerly operated Paul's Restaurant immediately next door to the subject site, also testified. Unfortunately, his business was also destroyed in the fire, although he also intends to rebuild. He welcomes the reconstruction of the theatre, however, he experienced concerns about the arcade operation. He specifically testified that teenagers and young adults could be drawn to the arcade area and he fears a potential increase in crime and vandalism.

Also testifying was Mr. Kostinski. He owns a small carry-out/eat in restaurant down the street. He expressed support for the special exception and variances. Lastly, Thomas Booth, owner of the property at 5503 and 5505 Oregon Avenue also testified. Like the other witnesses and correspondence received, he welcomes reconstruction of this Arbutus landmark. He noted, however, that a number of small businesses operate on the properties which he owns, including a laundromat, a barber shop, a snowball stand and a vacuum cleaner repair facility. He fears that an unruly crowd drawn to the arcade could be detrimental to his tenants and their businesses.

Addressing first the Petition for Zoning Variance, I am persuaded that same should be granted. None of the witnesses present testified in opposition to the variance requests. To the contrary, the requests are supported by the witnesses who appeared and the surrounding members of the community. As to the parking variance, it was testified that although no on-site parking is provided, parking is not difficult in this area. Apparently, there is public parking nearby and street parking available. Moreover, the businesses in the locale have traditionally cooperated with one another to facilitate a shared parking arrangement. Notwithstanding the adverse

comment from the Development Plans Review Division, I am persuaded to grant the Petition for Variance as it relates to the parking regulations.

The variances relating to the marquee signs and the front yard setbacks should also be granted. In this regard, the proposed reconstruction of the building is styled for the purpose of recreating the original movie theatre building. Variances are necessary in this regard so that the building can be constructed substantially similar in appearance to that shown in Petitioner's Exhibit No. 2, the proposed front elevation drawing. This drawing has been reviewed and approved by the Design Review Committee in that same is located within a designated design review area. I am persuaded that the Petitioner has met the burden of proof set forth in Section 307 of the BCZR, as construed by the case law.

As to the Petition for Special Exception, I am also convinced that same should be granted. The long history of the use of this site is a particularly persuasive factor in considering this Petition. It is clear that the proposed use can be undertaken without detriment to the health, safety and general welfare of the locale. In this regard, I find that the Petitioner has satisfied the standards set forth in Section 502.1 of the BCZR. The historical use of this site as a theatre and the overwhelming public support for the project is particularly relevant.

My only reservation in granting the relief requested springs from the concerns expressed by Messrs Kaikis and Booth regarding the arcade operation. Both of these nearby property owners indicated that juvenile crime and vandalism in the area is an increasing and disturbing trend. These gentlemen express fears that an arcade within the movie theatre would provide another place for teenagers and young adults to congregate and provide a haven for trouble makers.

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

which is presently zoned BL-CCC

for the property located at 5509 Oregon Avenue

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached

hereto and made part of hereof, hereby perition for a Special Exception under the Zoning Regulations of Baltimore County, to use the

a movie theatre pursuant to Section 230.13 and an arcade pursuant to Section 423.8 of the Baltimore County Zoning Regulations and,

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing this petition, and further agree to and

pursuant to Section 423 C.4 we request the Zoning Commissioner to specify the maximum number of amusement devices to be maintained in

This Petition shall be filed with the Office of Zoning Administration & Development Management.

(410) 494-6200

Property is to be posted and advertised as prescribed by Zoning Regulations.

Although I share these concerns, the imposition of a restriction on the zoning relief is impractical to remedy this problem. Obviously, troublesome individuals on the subject property will most detrimentally affect the operators of the theatre. Individuals will not want to patronize this theatre if they fear for their safety and property. Thus, the Petitioner has a vested interest in ensuring that proper supervision of the arcade business is maintained. Moreover, requiring any type of level of supervision as part of the zoning relief is difficult to monitor. Zoning Inspectors cannot realistically be expected to monitor the operation of the theatre and arcade. These are matters that are best left to the property owner and the Baltimore County Police Department. In this regard, I will suggest only that the Petitioner contact the local precinct commander for suggestions and assistance should the need arise.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

Exception, approval to allow a movie theatre, pursuant to Section 230.13, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that, pursuant to Section 423.B of the Baltimore County Zoning Regulations (BCZR) approval to allow an arcade be and is

IT IS FURTHER ORDERED that, pursuant to Section 423.C.4 of the BCZR, that the Petitioner may maintain up to 25 amusement devices at the subject

- 5-

IT IS FURTHER ORDERED that a variance from Section 409.6.A.1 of the BCZR, to permit 0 parking spaces in lieu of the required 186, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 413.2.D., to allow 3 marquee signs to extend the maximum of 10 ft. from the building face in lieu of the permitted 42 inches, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 303.2 of the BCZR to allow a front yard setback of 12.5 ft., in lieu of the required front yard average of 21 ft., be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted:

> 1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> > Zoning Commissioner for Baltimore County

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

Œ

(410) 887-4386

May 23, 1996

Venable, Baetjer and Howard 210 Allegheny Avenue Towson, Maryland 21204

RE: Petitions for Special Exception and Variance

Case No. 96-383-XA CODA Corporation c/o RC Theatres Management Corp. Petitioner Property: 5509 Oregon Avenue

Robert Hoffman, Esquire

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted, with restriction, in accordance with attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Zoning Commissioner

- c: Mr. David Phillips, 8115 Scotts Level Road, 21208
- c: Mr. Scott R. Cohen, 231 W. Cherry Hill Court, 21136 c: Mr. Clemis A. Kaikis, 5507 Oregon Avenue, 21227
- c: Mr. Thomas Booth, 623 Edmondson Avenue, 21228
- c: Mr. Mike Kostinski, 5401 East Drive, 21227

Towson Day	MD State	21204 Z pccde
Deop.	DEF	Secret And Price 19/1/2
Nb A	PEVIEW	· e par
41	13/96 act	Promont Mat

96-383-XA

herein described property for

Contract Purchaserfless

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. I.We do solemnly declare and affirm, under the parameter of perjuny, that tive are the legal owner(s) of the property which is the subject of this Petition c/o RC Theatres Management Corporation 231 W. Cherry Hill Court P.O. Box 1056 Name, Address and phone number of legal, owner, contract purchaser or representati Robert A. Hoffman Venable, Baetjer and Howard, LLP 210 Allegheny Ave. Towson, MD 21204 (410) 494-6200

Printed with Soybeso Information Recycled Paper

location; and

Petition for	or Variance 380
(AM+ REP) to the Zoning Cor	nmissioner of Baltimore County
for the property located at	5509 Oregon Avenue
- -	which is presently zoned BL-CCC
This Petition shall be filed with the Office of Zoning Administrat The undersigned, legal owner(s) of the property situate in Baltimore hereto and made part of hereof, hereby petition for a Variance from	County and minor is decommend
See Attached.	
of the Zoning Regulations of Baltimore County, to the Zoning Law of practical difficulty)	Baltimore County, for the following reasons: (indicate hardships or
To be determined at hearing.	
Property is to be posted and advertised as prescribed b 1, or we, agree to pay expenses of above Variance advertising, pos be bound by the zoning regulations and restrictions of Baltimore Co	unty adopted pursuant to the Zoning Law for Baltimore County. 1886 do splemply declare and affirm, under the penalties of perjury, that I/we are the
	legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
(Type or Print Name)	(Type or Print Name)
	Signature
Signature	By: David Phillips, Vice-President
Address	(Type or Print Name)
State Zipcode	Signature
City State Zipcote	c/o RC Theatres Management Corporation
	231 W. Cherry Hill Court
	P.O. Box 1056 526-4714 Address Phone No.
Attorney for Petitioner:	
Robert A. Hoffman	Reisterstown MD 21136 State Zipcode
Venable, Baetjer and Howard, LLP	City State Zipcode Name, Address and phone number of legal owner, contract purchaser or representations.
(Type or Print Name)	to be contacted.
Make 1 Sh /	Robert A. Hoffman
1010 111/1/	Venable, Baetjer and Howard, LLP
Signature	
(410) 494-6200	210 Allegheny Ave. Towson, MD 21204 (410) 494-620

VARIANCE REQUESTS 76-383-XA

Variance from §409.6.A.1 of the Baltimore County Zoning Regulations, to permit zero parking spaces in lieu of the required 186 parking spaces;

Variance from §413.2.D of the Baltimore County Zoning Regulations to allow three marquee signs to extend the maximum of 10 ft. from the building face in lieu of the permitted 42 inches;
 Variance from §303.2 of the Baltimore County Zoning Regulations to allow a front yard setback of 12.5 ft. in lieu of the required front yard average of 21 ft.

MAISTE & WATTS, INC.

SURVEYORS and ENGINEERS

2923 Chenoak Avenue Baltimore, Maryland 21234 (410) 882-0321 Fax (410) 661-8752

96-383-XA

DESCRIPTION OF PORTION OF 5509 OREGON AVENUE
TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION FOR
AN ARCADE AREA IN A MOVIE THEATER
FIRST ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

Beginning for the same at a point located North 87 degrees 11 minutes 16 seconds East 19.50 feet from the East side of Oregon Avenue, which point on Oregon Avenue being distant 280.27 feet southerly from the South side of Sulphur Spring Road, thence leaving said point of beginning and running the four following courses and distances:

North 02 degrees 48 minutes 44 seconds West 25.50 feet
 North 87 degrees 11 minutes 16 seconds East 23.00 feet

South 02 degrees 48 minutes 44 seconds East 25.5 feet and
 South 89 degrees 40 minutes 30 seconds West 23.00 feet to the place of eginning

Containing 587 square feet or 0.0135 acres of land.

mi was market

MAISTE & WATTS, INC.
SURVEYORS and ENGINEERS

2923 Chenoak Avenue Baltimore, Maryland 21234 (410) 882-0321

(410) 882-0321 Fax (410) 661-8752

380

TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION FOR MOVIE THEATER AND RELATED VARIANCES TO B.C.Z.R., FIRST ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

DESCRIPTION OF 5509 OREGON AVENUE

Beginning for the same on the East side of Oregon Avenue, at a point distant 155 feet southerly from the South side of Sulphur Spring Road, thence leaving said point of beginning and running and binding on the East side of Oregon Avenue

1. Southerly by a line curving to the left with a radius of 1,146.39 feet for an arc length of 125.27 feet, thence leaving Oregon Avenue

2. North 87 degrees 11 minutes 16 seconds East 145.35 feet to the West side of the Herbert Run Viaduct, thence running and binding thereon, for the following six courses and distances:

3. North 08 degrees 15 minutes 44 seconds West 9.42 feet

South 74 degrees 04 minutes 28 seconds West 4.15 feet

5. North 15 degrees 56 minutes 01 seconds West 20.00 feet6. North 74 degrees 04 minutes 28 seconds East 5.00 feet

7. North 15 degrees 55 minutes 32 seconds West 86.00 feet and
8. Northerly by a line curving to the left with a radius of 174.27 feet for an arc length of 12.64 feet, these leaving the West side of Harbert Bye and supplies

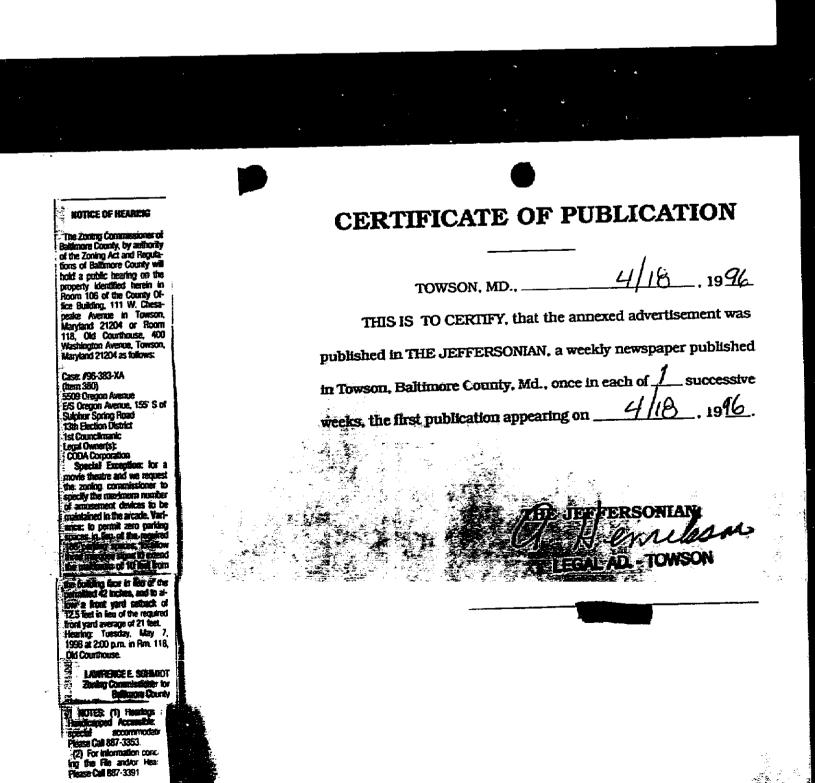
of 12.64 feet, thence leaving the West side of Herbert Run and running

9. South 87 degrees 11 minutes 16 seconds West 110.68 feet to the place of beginning.

Containing 16,193 square feet or 0.3717 acres of land.



		Townson, Ma	IALTIMORE COUN ryland	96-383-X
District 13	ζ . _		 . Date of P	tooting 4/19/96
Posted for:	May	7, 1996 he	arene	
Petitioner:	CODA	Corporatio	<u>-</u> 7	
Location of proper	5509	Corposatio	venue_	
	-	0		
	· 4			<u>. </u>
		edway on 2xx	1-14 Beixe Z	o al
		edwing on Jone	1-14 Bisis 7	o na
		edwig on sup	1-14 Bisis Z	
Location of Signs:	Falling Yo	cdwg on sin	Date of return:	



BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 4/3/96

ACCOUNT 001-6150

TEM #380

drop-off — no review
001-6150

THE #380

ACCOUNT 001-6150

MECEIVED Venable, Baetjer & Howard
FROM:

#050 - SPECIAL EXCEPTION - \$300.00
#020 - VARIANCE - \$250.00

#080 - SIGN POSTING - \$350 - \$70.00

FOR:

5509 Oregon Avenue
01A00HC156HIDHRC
PA 0011:41AM04-04-76

VALIDATION OF SIGNATURE OF CASHIER
WITE-OSSER PINK-AGREY TELOW-CUSTOMER

TO: PUTULENT PUBLISHING COMPANY
April 18, 1996 Issue - Jeffersonian
Please foward billing to:

Barbara W. Ormord Venable, Baetjer & Howard LLP 210 Allegheny Avenue Towson, MD 21204 494-6201

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
County, will hold a public hearing on the property identified herein in
Roce 106 of the County Office Building, 111 W. Chesapeaks Avenue in Townon, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Townon, Maryland 21204 as follows:

CASE MORRER: 96-3k3-TA (Item 380)
5509 Oregon Avenue
E/S Oregon Avenue, 155' S of Sulphur Spring Road
13th Election District - 1st Councilmenic
Legal Owner(s): CODA Corporation

Special Exception for a sovie theatre and we request the zoning commissioner to specify the maximum number of amusement devices to be unintained in the arcade.

Variance to permit zero parking spaces in lieu of the required 126 parking spaces, to allow three marquee signs to extend the maximum of 10 feet from the building face in lieu of the permitted 42 inches, and to allow a front yard setback of 12.5 feet in lieu of the required front yard average of 21 feet.

HEARTHG: TUESDAY, MAY 7, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

LAGREFICE E. SCHILDT
ZONTING CONTISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HARDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR IMPORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
Towson, Maryland 21204

April 11, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeska Evenue in Touson, Haryland 21204

Room 118, Old Courthouse, 400 Washington Lvence, Townco, Maryland 21204 as follows:

CASE MUMBER: 96-383-NA (Item 380)
5509 Oregon Avenue
E/S Oregon Avenue, 155' S of Sulphur Spring Road
13th Election District - 1st Councilmanic
Legal Owner(s): CODA Corporation

Special Exception for a movie theatre and we request the zoning commissioner to specify the maximum number of amounted devices to be saintained in the arcade.

Fariance to permit zero parking speces in lieu of the required 186 parking speces, to allow three surques signs to extend the maximum of 10 feet from the building face in lieu of the permitted 42 inches, and to allow a front pard setback of 12.5 feet in lieu of the required front yard average of 21 feet.

HEARING: TUESDAY, MAY 7, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

Bel Jalla

Arnold Jables Director

cc: CODA Comporation Robert A. Hoffman, Esq.

NOTES: (1) ZONING SIGN & POST MOST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; POR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(3) FOR IMPORESTION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Saybean lak

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

April 30, 1996

Robert A. Hoffman, Esquire Venable, Baetjer and Howard, LLP 210 Allegheny Avenue Towson, MD 21204

> RE: Item No.: 380 Case No.: 96-383-XA Petitioner: CODA Corporation

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 22, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

> W. Carl Richards, Jr. Zoning Supervisor

Attachment(s)

Printed with Soybean Ink on Recycled Paper

State Highway Administration

RE: Baltimore County / Item No. 380 (WCR)

David L. Winstead

Secretary

Hal Kassoff

Administrator

Ms. Joyce Watson Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects. Please contact Bob Small at 410-323-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very Ronald Burns, Chief Engineering Access Permits

Baltimore County Government Fire Department

700 East Joppa Road Towson, MD 21286-5500 Office of the Fire Marshal (410)887-4880

DATE: 04/16/96

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: CODA CORPORATION Location: E/S DREGON AVE. 155' S OF SULPHUR SPRING RD.(5509 DREGON AVE.)

Item No.: 380

Zoning Agenda: SPECIAL EXCEPTION

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

Development Processing

County Office Building

Towson, Maryland 21204

111 West Chesapeake Avenue

REVIEWER: LT. ROBERT P. SAUERWALD Fire Marshal Office, PHONE 887-4881, MS-1102F

Baltimore County

Robert A. Hoffman, Esquire

Venable, Baetjer, & Howard

to contact me at 887-3391.

CAM:sci

Enclosure (receipt)

c: Zoning Commissioner

210 Allegheny Avenue Towson, MD 21204

Dear Mr. Hoffman:

Department of Permits and

Development Management

cc: File

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

Date: April 22, 1996

Arnold Jablon, Director Department of Permits & Development Management

FROM: \ L Robert W. Bowling, Chief Development Plans Review Division Department of Permits & Development Management

SUBJECT: Zoning Advisory Committee Meeting for April 22, 1996 Item No. 380

The Development Plans Review Division has reviewed the subject zoning item. We strongly recommend against granting the requested parking variances unless available parking in the area can be shown.

Street trees and landscaping should be provided in the paved walk area along Oregon Avenue. RWB:HJO:irb

cc: File

RE: PETITION FOR SPECIAL EXCEPTION PETITION FOR VARIANCE 5509 Oregon Avenue, E/S Oregon Avenue, * 155' S of Sulphur Spring Road 13th Election District, 1st Councilmanic

CODA Corporation

ZONING COMMISSIONER OF BALTIMORE COUNTY

ENTRY OF APPEARANCE

* * * * * * * * * * *

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order

> PETER MAX ZIMMERMAN People's Counsel for Baltimore County ausli S. Dimelie CAROLE S. DEMILIO

Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204 (410) 887-2188

I HEREBY CERTIFY that on this Way of May, 1996, a copy of Esquire, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner.

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

DATE: 4-17-96

Development Coordination SUBJECT: Zoning Advisory Committee Agenda: 4-15-96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

382

LS:sp

LETTYZ/DEPRM/TXTSBF

Chief of Police

TERRENCE & SHERIDAN



Baltimore County Police 700 East Jopps Road Towson, Maryland 21286-5501 (410) 887 2214 Fax (410) 821-8887

Hay 14, 1996

Mr. Thomas E. Booth 623 Edmondson Avenue Catonsville, Maryland 21228

Dear Hr. Booth:

This correspondence is a follow-up to our conversation on Friday, May 10, 1996 regarding the reopening of the Hollywood Theater in Arbutus.

The reopening is a wonderful event to look forward to. It will be a tremendous resource to the community for good family-oriented entertainment at an affordable price. I am in complete support of the overall project.

With the opening of the rebuilt theater rapidly approaching, I would like the opportunity to meet with you and other business persons and residents in the area, as well as the owners or representatives of the theater to address concerns from past experience about juvenile conduct around the theater. More specifically, it is my understanding that a video arcade is planned for inclusion in the new theater. This inclusion has the potential to further aggravate the juvenile problem surrounding the theater if it is not properly regulated and monitored.

Once again, I reiterate my complete support of the reopening, including the arcade; however, I would like to provide input to the final process so that the officers at Precinct One can effectively and efficiently provide service to the neighborhood that enhances the benefit of such

Please contact me as soon as possible to make the necessary

Sincerely,

Mago Wilmonton Hajor W. Thomas Levering Pracinct One Commander Baltimore County Police Department

RE: Preliminary Petition Review (Item #380)

5509 Oregon Avenue

13th Election District

At the request of the attorney/petitioner, the above referenced petition was

If you need further information or have any questions, please do not hesitate

Catherine A. Milton

Planner I Zoning Review

accepted for filing without a final filing review by the staff. The plan was accepted with

the understanding that all zoning issues/filing requirements had been addressed. A

subsequent review by the staff has revealed no incomplete filing information. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make

petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00

a proper application, address any zoning conflicts and, if necessary, to file revised

GG5

96 1546 BAFTIER AND HOWARD, LLP 210 Allegheny Avenue WASHINGTON, D.C. Post Office Box 5517 Towson, Maryland 21285-5517 VIEGINIA (410) 494-6200, Fax (410) 621-0147 VENABLE ATTORNEYS AT LAW Writer's Direct Number: 410-494-6201 March 29, 1996 Hand Delivery Mr. Carl Richards Department of Permits & Development Management County Courts Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Re: Legal Property Owner: CODA Corporation Property Location: 5509 Oregon Avenue, Arbutus Petition for Special Exception and Variance Dear Mr. Richards: I am hereby drop filing the enclosed Petition for Special Exception and Variance with regard to the above captioned property. This request has previously been reviewed by Kate Milton. Also, pursuant to Zoning Enforcement, there are no outstanding zoning violations on site. Enclosed for submittal are the following documents: Petition for Special Exception (3)
Petition for Zoning Variance(3) Zoning description (3) 200' scale zoning map (1) Site Plans (12) Check in the amount of \$620.00

TO1DOCS1/BAW01/0022255.01

If you have any questions, please give me a call.

Legal Assistant

GREATER ARBUTUS COMMUNITY ALLIANCE

May-07-96 07:59A McCABE NSURANCE ASSOC 410 2 4204

Deputy Zoning Commissioner Kotrocco Baltimore County Zoning Commission

VIA FAX

Towson, MD

Dear Deputy Commissioner Kotrocco.

The Greater Arbutus Community Alliance would like to go one record with you as

SUPPORTING THE REQUEST FOR A PARKING EXCEPTION

P.O. BOX 18223

ARBUTUS, MARYLAND 21227

that is being requested by the owners of the Hollywood Theatre. The rebuilding of the theatre is vital to the greater Arbutus area. It is our understanding that the total seating for the rebuilt theatre will not significantly exceed that of the prior facility. The old theatre had no dedicated parking Therefore we feel the new facility should be allowed to open under a "grandfathered" type of provision or exception for parking.

We hope you will approve this exception.

THE GREATER ARBUTUS COMMUNITY ALLIANCE

Robert Latham, President



Rus Hotton	210 A 8115 Su	Hope Tol 21208	
xott R. Cohen	5TS.INC) 2923 CHE	Cherry HI/C+ 21136	
	·		
PLEASE PRINT CLEARLY NAME TEAN VIALE VIALE	CITIZEN SIGN	ADDRESS 5507 URGUNAGE 625 EDMENDS 21226 5401 AGS	<u> </u>
			1227
<u> </u>			

PETITIONER(S) SIGN-IN SHEET

HALETHORPE IMPROVEMENT ASSOCIATION P.O. BOX 7306 HALETHORPE, MARYLAND 21227

April 30, 1996

P.01

Mr. Timothy Kotroco, Esq. Baltimore County Zoning Commissioner Room 112 400 Washington Avenue Towson, Maryland 21204

Reference: Hearing for Special Exception & Variances Case #96-383XA

Dear Mr. Kotroco:

On behalf of a majority of the members of the Halethorpe Improvement Association, I am writing to request an approval by your office for a variance in the number of parking spaces required for the new Hollywood Theatre in Arbutus.

It appears that the number of seats (750) in the proposed facility is close to the total number that were in the original theater. Parking was not a problem. Furthermore, it is a fact that many area children are dropped off to the movies by the van full then picked up, after the show. resulting in a diminished need for additional parking spaces.

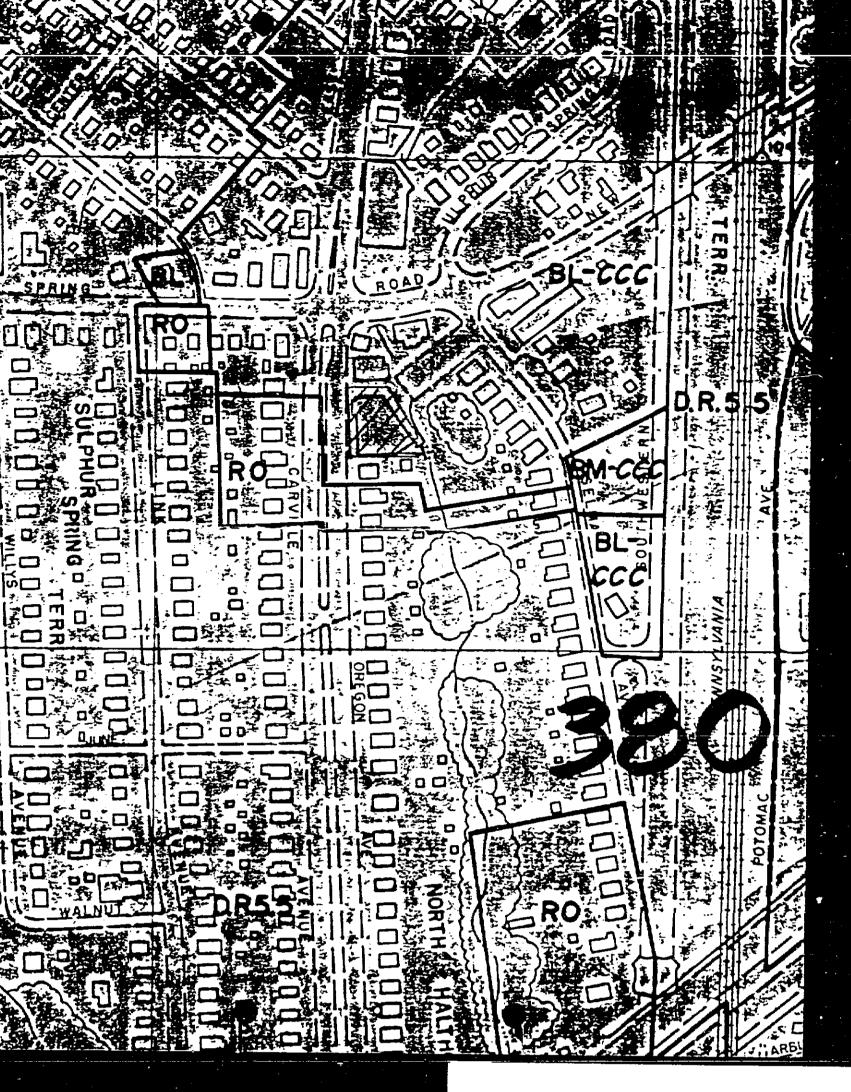
The Hollywood was an important part of the social fabric of the Arbutus Halethorpe area for decades. The community needs this anchor in our "downtown" area. It is important that our community gets this chance to revitalize. Please don't let the parking requirement cloud over what is really important here - giving Arbutus and Halethorpe back the Hollywood Theatre that all the residents miss so dearly.

We thank you for your consideration in this matter.

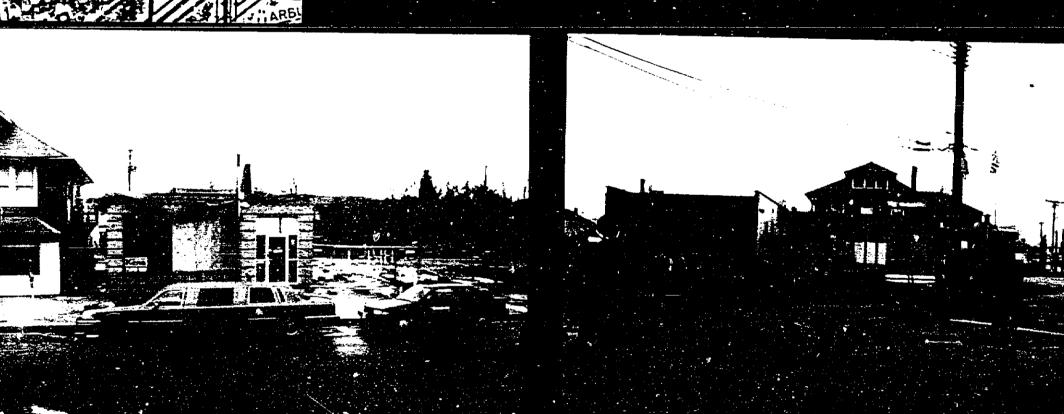
Sincerely. De Keech

Zoning Chairman, Halethorpe Improvement Association

cc: Greater Arbutus Community Alliance









PROPOSED FRONT ELEVATION SCALE VET . 1-0"

